

Preparation time for appointed counsel
(HB 396 by Danburg/Harris)

DIGEST: HB 396 would have allowed for 30 days preparation time for appointed counsel in felony cases in which the defendant was not incarcerated. (Current law allows 10 days preparation in all cases.)

GOVERNOR'S
REASON
FOR VETO:

"House Bill 396 would extend the time for preparation of criminal cases for defendants who are released on bond," the governor said. "By implication it may repeal preparation time for jailed defendants, thereby rendering it unconstitutional. Moreover, if this bill were to become law, already crowded and backlogged criminal court dockets would become worse."

AUTHOR'S
VIEW:

This bill only applied to appointed counsel, said Rep. Debra Danburg. Since judges choose the appointed counsel, they could simply not appoint any attorney who abused this provision for investigation time. The attorneys generally don't get paid for the investigation, they just do it out of ethical obligation and a desire to do a good job. The attorney should be the one making the decision whether a reasonable amount of preparation time is necessary. Allowing 30 days for preparation in a felony case when the attorney requests it is certainly not an unreasonable amount of time. By allowing sufficient preparation time you would not clog courts, but rather would smooth the process and make appeals based on inadequate representation less likely.

NOTES: HB 396 passed in the House on the Consent Calendar and was not analyzed in a Daily Floor Report.